

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DANIEL CHECKMAN, Individually And On Behalf Of All Others Similarly Situated,)	No. 2:18-cv-03417-JFW-AS
Plaintiff,)	[PROPOSED] ORDER
v.)	APPOINTING LEAD
ALLEGIANT TRAVEL COMPANY, MAURICE J. GALLAGHER, JR., and SCOTT SHELDON,)	PLAINTIFF AND LEAD
Defendants.)	COUNSEL
)	<u>CLASS ACTION</u>

WHEREAS, the above-captioned securities class action has been filed against Allegiant Travel Company, Maurice J. Gallagher, Jr., and Scott Sheldon (collectively “Defendants”), alleging claims under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934, and Rule 10b-5 promulgated thereunder;

WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 78u-4(a)(3)(A)(i), on April 24, 2018, a notice was issued to potential class members of the action informing them of their right to move to serve as lead plaintiff within 60 days of the date of the issuance of said notice;

WHEREAS, on June 25, 2018, movant Charles Brendon (“Movant”) timely moved the Court for appointment as lead plaintiff and to approve his selection of counsel;

WHEREAS, the PSLRA, provides, *inter alia*, that the most-adequate plaintiff to serve as lead plaintiff is the person or group of persons that has either

1 filed a complaint or has made a motion in response to a notice, and has the
2 largest financial interest in the relief sought by the Class and satisfies the
3 pertinent requirements of Fed. R. Civ. P. 23;

4 WHEREAS, 15 U.S.C. § 78u-4(a)(3)(B) provides, *inter alia*, that as soon
5 as practicable after the decision on consolidation is rendered, the Court shall
6 appoint the most adequate plaintiff as lead plaintiff for the consolidated actions;

7 WHEREAS, the Court finding that Movant has the largest financial
8 interest in this action and *prima facie* satisfies the typicality and adequacy
9 requirements of Fed. R. Civ. P. 23. *See* 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I); and

10 **IT IS HEREBY ORDERED THAT:**

11 **APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL**

12 1. Pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C.
13 §78u-4(a)(3)(B), Movant is appointed as Lead Plaintiff of the Class, as Movant
14 has the largest financial interest in this litigation and otherwise satisfies the
15 requirements of Fed. R. Civ. P. 23.

16 2. Movant's choice of counsel is approved, and accordingly, The
17 Rosen Law Firm, P.A. is appointed as Lead Counsel.

18 3. Lead Counsel, after being appointed by the Court, shall manage the
19 prosecution of this litigation. Lead Counsel is to avoid duplicative or
20 unproductive activities and is hereby vested by the Court with the
21 responsibilities that include, without limitation, the following: (1) to prepare all
22 pleadings; (2) to direct and coordinate the briefing and arguing of motions in
23 accordance with the schedules set by the orders and rules of this Court; (3) to
24 initiate and direct discovery; (4) prepare the case for trial; and (5) to engage in
25 settlement negotiations on behalf of Lead Plaintiff and the Class.

1 SO ORDERED:

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3 Dated _____, 2018

4 Hon. John F. Walter
5 United States District Judge

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